



# UK SPOUSE VISA GUIDE SEPTEMBER 2022



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SAABIR LEARNING

# Welcome to our UK Spouse Visa Guide!



Every year thousands of UK visas are applied for by partners, spouses, fiancés, fiancées and by parents for their children.

This guide will help you understand the law and the process. How to plan for success and what to do when things go wrong.

We will focus on spouse and children visas thus expect some over-simplification on other visa routes and options.

The law and procedure changes frequently so it is wise to keep yourself up to date to avoid making mistakes when you finally lodge your application.

Please seek professional help in your particular personal circumstances and immigration history, and remember no two cases are the same.



For help and guidance you can contact [admin@wafi.co.uk](mailto:admin@wafi.co.uk) or call 02071933839

# UK SPOUSE VISA

This book helps you to understand the UK spouse visa process and requirements. It covers all aspects of UK Spouse visa. We recommend that you attend our on-line webinars, where you will also benefit from live presentations, application demonstrations and question and answer sessions to keep you up to date and have your questions answered.

This book and the on-line course is a must for spouse visa applicants, spouse visa sponsors, students, paralegals and anyone looking to learn and assist with spouse visas and family visas.

**BOOK YOUR PLACE TODAY!**



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## About the author

Saleh Begh is a London based solicitor / attorney specializing in Immigration and family law.



Saleh has over 15 years experience in dealing with UK spouse visas and related family issues. He focuses on complicated cases and challenging applications. This usually involves extensive legal representation at the application stage and also

preparing cases for the Immigration Tribunal and protracted battles with the Home Office.

Saleh's family practise involves dealing with family and children related matters, marriage, divorce, child custody and financial remedy applications. There are frequent overlaps of family and immigration laws and also occasionally criminal law. Saleh has extensive experience in all three areas although currently does not practise criminal law.

Since July 2012, when the current set of Immigration rules were introduced by the UK government, Saleh and his team have made 1000s of applications under Appendix FM and also other routes such as the EUSS settlement Scheme. This gives him finer details and an unique ability to assess Home Office position and attitudes not found in the published texts or court decisions.

In addition Saleh previous career experience in Information Technology and has a flair when it comes to digital bundle preparation and presentation. He likes things to be precise,

concise and effective at delivering results. He has travelled to over 40 countries and is familiar with cultural differences and sensitivities, he has met clients from all over the world and understands 5 languages. He prides himself for his can-do attitude and problem solving skills. He never shies away from taking on a challenge in particular where human rights and family life is concerned. Over the years he has helped 100s of families overcome their obstacles and have a better life. He wants to help and make a difference where he can.

## **Free initial consultation**

This guide is produced in association with Wafi Solicitors. They have agreed to offer **FREE initial overview consultation** to check the viability of your spouse visa application. This is an important step to make sure that you have a good application and not only will it succeed but do so with minimum hassle and stress to you.



**Wafi**  
**Solicitors**

Full consultation which has a fixed fee of £360 is will be offered at 70% discount at £99. You also

have a wide range of service options to choose from depending on your case needs and circumstances. The legal fee for supported spouse visa application starts at £750. You may also be able to pay the agreed fee in instalments. Full representation and super priority service options are available at competitive rates. Call +442071933839 or email [admin@wafi.co.uk](mailto:admin@wafi.co.uk) now to get assessed for FREE and case started without delay.

## **How to use this book**

Immigration laws and rules change from time to time. So you should consider your options in light of the latest available information. What may be suitable for one applicant may not work for another even if it appears to be identical from your perspective.

There are many aspects that can lead to a refusal of an application, no two applicant's circumstances are the same and usually there are subjective items such as genuine relationship, borderline misrepresentations, colourful immigration history including previous refusal or other considerations

that can lead to two identical applications lodged at the same time having two different outcomes.

Use this book as a guide to understand the concepts, procedures and steps bearing in mind that the information is not intended as legal advice or deemed as suitable in your particular circumstances and factual background.

## **Disclaimer**

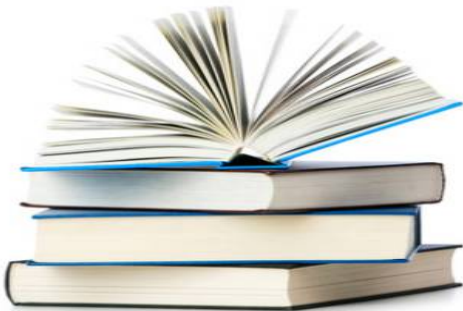
Although efforts have been made to make sure the information provided is up to date, accurate and relevant. There is still room for mismatch with your circumstances, errors, information that may have been omitted, overlooked or have become outdated since publication. Spouse visa applications are very expensive to lodge and require several months to process and get a decision, so take every step to make sure you have done your research and sought help where required as no liability would be accepted for any loss or discomfort caused by the information provided

# General overview

## UK legal system overview and Immigration laws .

### Sources of Immigration Law

There are multiple sources of Immigration law in the UK. In this book we are concerned with laws of England and Wales. Scotland and Northern Ireland tend not to have separate Immigration laws although the same cannot be said about family and criminal laws which are indeed different.



## **1. Primary Legislation**

- Primary legislation is an Act of Parliament or Statute.
- Examples of some primary legislation within immigration law would be
  - Immigration Act 1971 (framework which governs immigration control)
  - British Nationality Act 1981 (defines nationality and citizenship)
  - Human Rights Act 1998 (incorporates the ECHR into UK law)
  - Nationality, Immigration and Asylum Act 2002 (rights of appeal, grounds of appeal, etc)

## **2. Secondary Legislation**

- Secondary legislation is all other forms of legislation that are not Acts of Parliament such as regulations
- Examples of some secondary legislation within immigration law would be:
  - Immigration (Notices) Regulations 2003
  - Asylum and Immigration (Procedure) Rules 2005

### **3. Immigration Rules**

- Immigration Rules (supplemental to and build further to the primary and secondary legislation)
- Regulates who may or may not be granted entry clearance, leave to remain in the United Kingdom
- The Immigration Rules are made under section 3 (5) of the Immigration Act 1971
- If the Secretary of State for the Home Department (SSHD) has expectations that an applicant must meet certain requirements or provide certain specified documentation then this must appear clearly within the Immigration Rules (Alvi [2012] UKSC 33)
- Immigration Rules Appendix Ukraine Scheme gave rights and options to Ukrainian nationals.

### **4. Home Office Policies and Concessions**

- The SSHD has policies which are provided to her caseworkers which will set out how the Immigration Rules are to be interpreted



and applied. Some policies will also contain important concessions which will outline circumstances (to deal with minors, DV victims, and more recently non-Ukrainian nationals fleeing Ukraine etc) when the caseworker may grant leave to remain outside of the Immigration Rules.

- During the Covid pandemic (March 2020) many rules were relaxed as people were not able to obtain documents or leave the UK as there were lockdown and other restrictions imposed on international travel.

### **Fun fact : Are you applying for a UK visa, you are not alone!**

Data shows that in June 2021, people born outside the UK made up an estimated 14.5% of the UK's population, or 9.6 million people.

The size of the foreign-born population in the UK increased from about 5.3 million in 2004 to over 9.5 million in 2021. The growth of the foreign-born population appears to have slowed as a result of the Covid-19 pandemic, but currently available estimates suggest that net migration remained

positive despite a net outflow of EU citizens. **London has over 35% foreign born population.** The most popular nationalities being Indian, Polish and Pakistani.

## **English family and Criminal law overview**

English family law and criminal law comes into play in various ways. For example, for your marriage or adoption certificate to be recognised by the Home Office, it must not be rejected as invalid under English family law. This could affect dependant wives and children and also when establishing family ties. If the sponsor is in a polygynous relationship or more likely re-married prior to his previous marriage being officially dissolved the validity of the marriage may be rejected under English family and civil law.

Also where family ties break down due to divorce or domestic violence or the applicant has been in trouble with the police the family and criminal law aspects could help or hinder the applicant's immigration status or their progression to

nationality. Criminals, or rather anyone unfortunate to have got into trouble may also be denied visas.

Family law matters are usually instigated by one party making an application to court. This could be for divorce, child custody, non-molestation or family finance. All family matters are heard in private.

Criminal law matters are usually instigated by one party calling the police. The police investigate the complaint and make arrests, if charged, the accused attends the magistrate court, there may be public hearings and finally a guilty or not guilty verdict. More serious matters move to the Crown Court or the Old Bailey where the court can impose higher fines and longer sentences can be imposed.

If you are unfortunate and have some 'Good Character' issues your application may get refused based on the 'general grounds'. In more serious cases you can be denied visas and if already in the UK made subject to a deportation order.

If you over-stay in the UK it is now a criminal offence, you could be forced out and banned for up to 10 years.

Criminal convictions are treated very seriously and the Home Office or the Immigration tribunal will never look behind the conviction even if you continue to plead your innocence or claim miscarriage of justice.

## **Should you use solicitors or other professionals**

UK spouse visas are an expensive endeavour, usually costs £3,500 or more for the initial visa. Thus it would be useful to have a professional assess your circumstances and avoid costly mistakes.

Some aspects can be done without solicitors however the risk is increased where you have no human involvement, someone to look over your application and make sure it has a good a prospect of success. You can usually secure FREE initial consultation and a full consultation may cost little as £75. Risks can usually be identified and resolved before the damage is done.

# UK Spouse Visa

## Who doesn't need a visa

It is important to consider if the potential applicant actually needs a visa. It may sound basic but people have applied for visas that they did not actually need.

The following people would not need a spouse visa or a dependant child visa:

- Holding a British passport or is entitled to one.
- Holding an Irish passport
- Holding ILR / PR / pre-settled or settled status (EUSS)
- Holding refugee status
- Holding another UK temporary visa which if continued is a cheaper, better and quicker route to settlement.

Please note some British passports (British Overseas) do not allow you to live or work in the UK. In this case you would still need to apply for a spouse visa unless you are able to switch to a standard British passport.

# Visa types and eligibility

## Apply as a partner or spouse

To apply as a partner, you and your partner both need to be 18 or over.

Your partner must also either:

- be a British or Irish citizen
- have settled in the UK - for example, they have indefinite leave to remain, settled status or proof of permanent residence
- be from the EU, Switzerland, Norway, Iceland or Liechtenstein and have pre-settled status - they must have started living in the UK before 1 January 2021
- have a Turkish Businessperson visa or Turkish Worker visa
- have refugee status or humanitarian protection in the UK

You and your partner must intend to live together permanently in the UK after you apply. If your partner has settled or pre-settled status you may